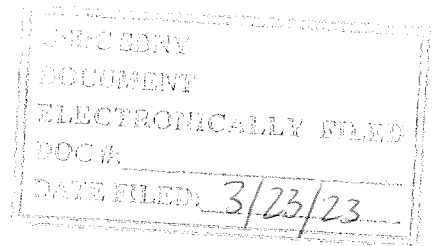


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
JEANINE P. COHEN,
Plaintiff,

v.

WESTLAKE FLOORING SERVS., INC. et al.,
Defendants.
-----X**ORDER**

22 CV 7182 (VB)



On January 6, 2023, defendants moved to dismiss the complaint or to stay this action and compel arbitration. (Doc. #28).

On February 10, 2023, plaintiff filed a memorandum of law in opposition, in part, to defendants' motion. (Doc. #33). In the memorandum, plaintiff informs the Court that the parties have agreed that: (i) this action should be stayed while the parties arbitrate the matter, (ii) the parties will select an arbitrator, and (iii) the arbitrator will be selected from AAA or JAMS, provided that the arbitration take place in Orange, Westchester, Putnam, Dutchess, or New York County or some other mutually convenient forum. (*Id.* at 2).¹

Also in the opposition memorandum, plaintiff argues two provisions of the applicable arbitration agreement should be severed as unenforceable—specifically, the provisions preventing an arbitrator from awarding punitive damages or injunctive relief. (Doc. #33 at 3).

Defendants' reply in support of their motion was due February 17, 2023. (Doc. #32). However, defendants have not filed a reply in support of their motion, and their time to do so has now expired. Nor have defendants responded to plaintiff's arguments with respect to severing the above-referenced provisions from the arbitration agreement.

Accordingly, in the interest of efficient case management, by no later than **March 30, 2023**, defendants shall submit a letter, not to exceed three pages in length, stating their position with respect to plaintiff's argument that the above-referenced provisions should be severed from the arbitration agreement.

Dated: March 23, 2023
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent Briccetti".

Vincent L. Briccetti
United States District Judge

¹ With the memorandum, plaintiff's counsel filed a declaration that attaches a stipulation between the parties as to these points, which is dated February 8, 2023, and signed by counsel for all parties. (Doc. #34-3).